



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 8063-99
22 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The record provided for the Board's review was incomplete. However, available documentation shows that you enlisted in the Naval Reserve for eight years on 21 September 1991 at age 17. You were ordered to active duty for a period of two years on 1 July 1992.

The record reflects that you were advanced to SA (E-2) and served for nearly two years without incident. However, during the two month period from September to November 1993 you received two nonjudicial punishments (NJP). Your offenses consisted of misbehavior as a sentinel, two unspecified periods of unauthorized absence, and missing ship's movement. As a result of the second NJP you were reduced in rate to SR (E-1).

You served without further incident and on 12 May 1994 you were honorably released from active duty by reason of "insufficient

retainability (economic reasons)", transferred to the Naval Reserve, and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals separated for "insufficient retainability." The Board could not determine the basis for the reason for discharge in your case since this narrative reason is normally directed by the Chief of Naval Personnel. At the time of your discharge, the Navy was undergoing a reduction of forces and it appeared to the Board that authority may have been granted to commands to separate individuals for this reason if they met a certain criteria. You have provided no persuasive evidence that the narrative reason is in error and the Board found no basis for changing it. The Board concluded that two NJPs and your reduction in rate within the year of your separation provided sufficient justification for a non-recommendation for retention and assignment of an RE-4 reenlistment code. The Board thus concluded that the reason for discharge and reenlistment code were proper and no changes are warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director